

# ***WISCONSIN LEGISLATIVE COUNCIL STAFF***

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 00-141**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

### **2. Form, Style and Placement in Administrative Code**

a. The department’s analysis explains why the rule is being promulgated and identifies anticipated effects of the rule, but fails to summarize the content of the rule. [See s. 1.02 (2), Manual.]

b. The entire appendix should be placed in the text of the Wisconsin Administrative Code in the proper format. The language contained in the appendix sets standards, imposes requirements and grants authority to various actors in the drug testing program system. Rule drafting format and norms cannot be avoided by the use of an appendix of this type. Because the appendix has not been prepared properly for placement in Wisconsin Administrative Code text, this report will not contain the usual format comments of a Clearinghouse Report other than to make the following general statements:

- (1) Use of the terms “shall,” “must” and “will” should be reviewed. When a mandate is imposed, the word “shall” should be used.
- (2) Acronyms should not be used unless defined.
- (3) Slashed alternatives should not be used.

- (4) Unless phrases used are understood terms of art, they should be described or referenced for the reader. For example, see terms such as “medical review officer” and “U.S. Department of Transportation collection protocol.”

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. The statutes referenced in the department’s analysis as statutes authorizing promulgation and statutes being interpreted should be compared with statutory references in s. RL 7.01 (1).

b. In ss. RL 7.04 (1) (e) and 7.05 (1) (d), the underscored language should be expanded by adding the reference “under s. RL 7.11.”

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

In Part C. 4. of Appendix 2, will it be clear to users of the rule to what the “department’s standard panel” refers? Further, reference to the “attached drug list” is unclear; attached to what?